



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,232	07/30/2001	Daniel Watkins	A4-4265/1C/1C 1496.00002c	4958
22501 7590 01/21/2009 CHRISTOPHER P MAIORANA, PC LSI Corporation 24840 HARPER SUITE 100 ST CLAIR SHORES, MI 48080				
EXAMINER BROWN, RUEBEN M				
ART UNIT		PAPER NUMBER		
2424				
MAIL DATE		DELIVERY MODE		
01/21/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**ADVISORY ACTION**

***Response to Arguments***

1. Applicant's arguments filed 11/13/08, with respect to the '*control signals*' have been fully considered but they are not persuasive. On page 15 applicant argues that "Gelman does not appear to mention that the alleged 'programming instructions' can program the decoder 73 of Gelman. Gelman also appears to be silent that the alleged 'programming instructions' are generated by the CO buffers in response to the user options entered at the CPE 70". Applicant goes on to argue that Gelman...only appear[s] to indicate that the CO buffers 44 response to user options by sending text messages to the graphics overlay processor 74. There is no evidence on the record that one of ordinary skill in the art would consider text acknowledgments to render obvious generating control signals that program circuits".

First of all, examiner points out that the rejection the feature in question was treated as a 103(a) rejection, Gelman, in view of Deutsch. Clearly, Gelman teaches transmitting control signals to the CPE 70, in response to user options entered at the remote control. The combination of Gelman & Deutsch provides for transmitting control signals to a decoder circuit (in response to selections from a user) that program the instant decoder circuit.

In particular, Deutsch teaches that the backchannel 104 (Fig. 1) is at least used to convey subscriber request to the upstream server, see col. 6, lines 31-40). The server sends MPEG-4 data

as well as MPEG-J system software that controls, i.e., programs the decoder circuits, see col. 4, lines 1-4; col. 7, lines 39-64; col. 8, lines 41-60; col. 9, lines 4-20.

Applicants argument against Deutsch is that the reference, “also appears to be silent that the JAVA byte codes are responsive to user options entered at the STB”. First of all, as pointed out above Gelman already teaches transmitting control signals to the user's remote device responsive to user options. Thus, even if Deutsch were silent as to whether the control signals that program the decoder circuit (JAVA byte codes) were sent responsive to user options, the combination of the Gelman & Deutsch would still meet the claimed subject matter. This is true since the background of Deutsch (col. 1, lines 25-65), clearly discloses that the invention is an improvement on the MPEG-1 or MPEG-2 systems [as found in Gelman; see col. 9, lines 17-25; col. 10, lines 19-41) that utilize a somewhat static decoder]. Deutsch teaches that the invention improves upon MPEG-2 systems by at least (1) introducing audio-video objects into the MPEG stream, which allow for more user interactivity and (2) enabling the use of the MPEP-J software which allows for incremental updates to the stream and the operating functions, which is desirable for set top manufactures, emphasis added (col. 4, lines 38-67 thru col. 5, lines 1-10).

Furthermore, Deutsch (col. 17, lines 62-67; col. 18, lines 62-67; Table 1) teaches that the invention is applicable to trick-play (VCR like) functions that are also disclosed in Gelman (col. 12). Deutsch discloses that the resource manger 260 (which is one API's included in the MPEG-J system) manages the system resources of the underlying system (i.e., set top device) including controlling the media decoders...based on user inputs; see col. 10, lines 35-44. Thus, Deutsch

teaches that the control signals program the decoder circuit(s) responsive to the one or more user options entered at the STB, and thus meets the claimed subject matter.

**Any response to this action should be mailed to:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**or faxed to:**

(571) 273-8300, (for formal communications intended for entry)

**Or:**

(571) 273-7290 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F (9:00-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Chris Kelley/  
Supervisory Patent Examiner, Art Unit 2424